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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.												
10/804,462	03/19/2004	Marko Torvinen	NOKM.089PA	7266												
7590 Hollingsworth & Funk, LLC Suite 125 8009 34th Avenue South Minneapolis, MN 55425		02/11/2008	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">OSMAN, RAMY M</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2157</td><td></td></tr><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>02/11/2008</td><td>PAPER</td></tr></table>		EXAMINER		OSMAN, RAMY M		ART UNIT	PAPER NUMBER	2157		MAIL DATE	DELIVERY MODE	02/11/2008	PAPER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/804,462

**Applicant(s)**

TORVINEN, MARKO

**Examiner**

Ramy M. Osman

**Art Unit**

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/19/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is responsive to application filed on March 19, 2004. Claims 1-37 are pending examination.

### ***Drawings***

2. The drawings filed on 3/19/2004 are acknowledged and are acceptable.

### ***Claim Rejections - 35 USC § 101***

3. Claims 26-27 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. For example, independent claim 26 recites a “server” comprising “means for” steps for facilitating presence based group information. However, lines 9-11, in Paragraph 71 of Applicants disclosure, states there can be a software embodiment that performs presence enhanced group management functions. Therefore it is possible that the “server” in the claims can be purely software.

If this is the case, then the “server” can be directed to a program in-and-of-itself and not necessarily to a process occurring as a result of executing the program on a hardware device. The claims are vague in that the claim(s) are not directed to a machine programmed to operate in accordance with the program, nor to a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. The claims are therefore deemed to be nonstatutory.

4. Claims 20-25 and 28-29 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite “A computer-readable medium”.

Paragraph 70 of Applicants disclosure states that computer-readable medium includes transmission medium. Lines 15-20 of paragraph 70 state that transmission medium include wireless/wave/satellite communications, etc.. Therefore, it is clear that the scope of the claimed computer-readable medium is intended to cover communication media which include signals, such as (carrier) waves.

As discussed in the *Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility*, the office's position is that transmission mediums and signals, such as (carrier) waves, do not fall within one of the four statutory classes of 35 U.S.C. 101. Therefore, based on the given evidence and the office's position, Claims 20-25 & 28-29 fail to be limited to embodiment(s) which fall within one of the four statutory categories.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-8,11,12,14,15,17,20-23,26-31,34-37 rejected under 35 U.S.C. 102(e) as being anticipated by Mathis (US Patent Publication No 2003/0083046).**

7. In reference to claim 1, Mathis teaches a method to enhance group communication within a network using presence information, comprising:

maintaining presence information associated with a group of terminals (§ 15 lines 18-20 and § 16 lines 2-14 Mathis discloses tracking and displaying presence information of a group of users);

maintaining presence information associated with each member of the group of terminals (§ 19 lines 4-15, Mathis discloses collecting and storing presence information of a group of client devices); and

activating a group communication channel from a first member of the group of terminals to available terminals within the group of terminals (§ 10 lines 4-9 and § 16 lines 2-14, Mathis discloses utilizing a contact list that contains presence information of client devices, and discloses invoking a group dispatch call (i.e. group communication channel) from one user to many users), wherein availability is determined using presence information associated with the group of terminals and presence information associated with each member of the group of terminals (§ 15 lines 18-20 and § 16 lines 2-14, Mathis discloses that availability is based on presence information associated with client device(s)).

8. In reference to claim 2, Mathis teaches the method according to claim 1, wherein presence information associated with each member of the group of terminals is maintained within a server coupled to the network (§ 18 lines 1-5 and § 19 lines 12-14 and Figure 1 #112, Mathis discloses a server centrally storing presence information).

9. In reference to claim 3, Mathis teaches the method according to claim 2, wherein the availability is determined by the server in response to programmable availability rules (§ 19 lines 1-13 and § 31, Mathis discloses availability is determined by presence information (i.e. programmable availability rules) and by resolving cross-correlations of client devices).

10. In reference to claim 4, Mathis teaches the method according to claim 3, wherein the programmable availability rules includes location information associated with each member of the group of terminals (§ 19 lines 1-13).

11. In reference to claim 5, Mathis teaches the method according to claim 2, wherein the presence information is communicated to the first member of the group of terminals by the server (§ 19 lines 3-4 & 15-19).

12. In reference to claim 6, Mathis teaches the method according to claim 5, wherein the availability is determined by the first member in response to programmable availability rules (§ 19 lines 1-2 & 5-12, Mathis discloses the client determines its own availability and sends to server).

13. In reference to claim 7, Mathis teaches the method according to claim 6, wherein the programmable availability rules includes location information associated with each member of the group of terminals (§ 19 lines 6-7).

14. In reference to claim 8, Mathis teaches the method according to claim 1, wherein activating the group communication channel includes transmitting an instant message from the first member to the available terminals (§ 10).

15. In reference to claim 11, Mathis teaches a presence enhanced group communication system, comprising:

terminals coupled through a network to form a group (§ 15 lines 18-20); and  
presence servers coupled to the network and adapted to maintain presence information associated with each of the terminals and adapted to maintain presence information associated with the group (§ 19 lines 4-15 and Figure 1 #112), the terminals comprising:

a group presence module adapted to communicate with the presence servers to maintain availability status of the group and each terminal within the group (§ 16 lines 1-14 and § 19 lines 15-25), wherein a group communication channel is established in response to the availability status (§ 10 lines 4-9).

16. In reference to claim 12, Mathis teaches the presence enhanced group communication system according to claim 11, further comprising location servers coupled to the network and adapted to maintain location information associated with each terminal of the group (§ 19 lines 4-15).

17. In reference to claim 14, Mathis teaches the presence enhanced group communication system according to claim 13, wherein the group presence module is further adapted to determine the availability status from the presence information and location information associated with each terminal (§ 16 lines 1-14 and § 19 lines 15-25).

18. In reference to claim 15, Mathis teaches a mobile terminal wirelessly coupled to a network which includes a group of mobile terminals wirelessly coupled to the network, the mobile terminal comprising:

a memory capable of storing at least one of a group presence module and a protocol module (§ 15 lines 18-20 and § 16 lines 2-14);

a processor coupled to the memory and configured by the group presence module to formulate an availability status associated with each member of the group of mobile terminals (§ 16 lines 2-14); and

a transceiver configured to facilitate content exchange with available members of the group (§ 10 lines 4-9 and § 11), the available members being selected in accordance with their availability status (§ 16).

19. In reference to claim 17, Mathis teaches The mobile terminal according to claim 15, wherein the content exchange includes an instant message exchange (§ 11).

20. In reference to claim 20, Mathis teaches a computer-readable medium having instructions stored thereon which are executable by a mobile terminal for establishing a group communication channel with a group of mobile terminals in a network by performing steps comprising:

accumulating presence information associated with the group and each member of the group of mobile terminals (§ 15 lines 18-20 and § 16 lines 2-14);

determining availability of each member using the accumulated presence information; displaying the availability of each member (§ 15 lines 18-20 and § 16 lines 2-14); and

creating the group communication channel in response to programmable rules of availability (§ 10 lines 4-6 and § 19 lines 1-13).

21. In reference to claim 21, Mathis teaches the computer-readable medium of claim 20, performing steps further comprising displaying a summary availability associated with the group of mobile terminals (§ 16 lines 2-14).

22. In reference to claim 22, Mathis teaches the computer-readable medium of claim 20, wherein creating the group communication channel comprises: determining the communication status requested by each member; and transmitting information to each member in accordance with the requested communication status (§ 19 lines 4-15).



23. In reference to claim 23, Mathis teaches the computer-readable medium of claim 22, wherein transmitting the information includes transmitting an instant message (§ 11).

24. In reference to claims 26-27, these are system claims that correspond to the computer readable medium claims of claims 20 & 22. Therefore, claims 26-27 are rejected based upon the same rationale as given for claims 20 & 22 above.

25. In reference to claims 28-29, these claims correspond to the computer readable medium claims of claims 20 & 22. Therefore, claims 26-27 are rejected based upon the same rationale as given for claims 20 & 22 above.

26. In reference to claim 30, Mathis teaches a method of managing presence information associated with a group to establish a communication channel with the group, comprising: activating an information field associated with the group (§ 21); monitoring presence information associated with the group (§ 19 lines 4-15); determining an availability status of the group based on the presence information (§ 19 lines 4-15); and communicating the information field to the group in response to its availability status (§ 19 lines 15-25).

27. In reference to claim 31, Mathis teaches the method according to claim 30, wherein activating the information field comprises activating an instant message portal to generate the information field (§ 11).

28. In reference to claim 34, Mathis teaches the method according to claim 30, wherein determining an availability status comprises applying programmable availability rules in combination with the presence information (§ 19 lines 1-13).

29. In reference to claim 35, Mathis teaches the method according to claim 30, wherein communicating the information field further comprises determining the communication status requested by each member of the group (§ 19 lines 4-15).

30. In reference to claim 36, Mathis teaches the method according to claim 35, wherein the communication status comprises a communication preference to be used when communicating the information field (§ 19 lines 4-15).

31. In reference to claim 37, Mathis teaches the method according to claim 36, wherein the communication preference comprises one of an email preference, a voice call preference, a Short Message Service (SMS) preference, and an Instant Message (IM) preference (§ 11).

***Claim Rejections - 35 USC § 103***

32. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**33. Claims 9,10,18,19,24,25,32,33 rejected under 35 U.S.C. 103(a) as being unpatentable over Mathis (US Patent Publication No 2003/0083046) in view of Pivowar et al (US Patent No 6,457,062).**

34. In reference to claim 9, Mathis teaches the method according to claim 1. Mathis fails to explicitly teach wherein activating the group communication channel includes synchronizing a calendar entry of the first member with calendar entries of the available terminals. However, Pivowar discloses synchronizing personal calendar information between a plurality of different

PDA's by establishing communication between them for exchanging the calendar information (Pivowar, column 2 lines 15-27 and column 5 lines 35-40 & 45-49). Pivowar teaches that the synchronization of particular calendar information between multiple users is beneficial for resolving conflicts in meeting/event scheduling between multiple parties that each have meeting/event schedules in their PDA calendars (Pivowar, column 1 line 63 – column 2 line 4).

It would have been obvious for one of ordinary skill in the art to modify Mathis wherein activating the group communication channel includes synchronizing a calendar entry of the first member with calendar entries of the available terminals as per the teachings of Pivowar for the benefit of resolving conflicts in meeting/event scheduling between multiple parties.

35. In reference to claim 10, Mathis teaches the method according to claim 1. Mathis fails to explicitly teach wherein activating the group communication channel includes synchronizing a task list of the first member with task lists of the available terminals. However, Pivowar discloses synchronizing personal calendar information between a plurality of different PDA's by establishing communication between them for exchanging the calendar information (Pivowar, column 2 lines 15-27 and column 5 lines 35-40 & 45-49). Pivowar teaches that the synchronization of particular calendar information between multiple users is beneficial for resolving conflicts in meeting/event scheduling between multiple parties (Pivowar, column 1 line 63 – column 2 line 4). The meeting/event schedules of Pivowar are equivalent to the "task lists" of the claim.

It would have been obvious for one of ordinary skill in the art to modify Mathis wherein activating the group communication channel includes synchronizing a task list of the first

member with task lists of the available terminals as per the teachings of Pivowar for the benefit of resolving conflicts in meeting/event scheduling between multiple parties.

36. In reference to claims 18-19, these are mobile terminal claims that correspond to the method claims of claims 9-10. Therefore, claims 18-19 are rejected based upon the same rationale as given for claims 9-10 above.

37. In reference to claims 24-25, these are computer readable medium claims that correspond to the method claims of claims 9-10. Therefore, claims 24-25 are rejected based upon the same rationale as given for claims 9-10 above.

38. In reference to claims 32-33, these claims correspond to the method claims of claims 9-10. Therefore, claims 32-33 are rejected based upon the same rationale as given for claims 9-10 above.

39. **Claims 13 & 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Mathis (US Patent Publication No 2003/0083046) in view of Weaver et al (US Patent No 7,031,700).**

40. In reference to claims 13 and 16, Mathis respectively teaches the presence enhanced group communication system according to claim 12, and the corresponding mobile terminal according to claim 15. Mathis fails to explicitly teach wherein the terminals further comprise a Session Initiation Protocol (SIP) module to facilitate communication with the presence servers and location servers. However, Weaver discloses group conferencing that utilizes the well known Session Initiation Protocol to initialize communication with communication servers (Weaver, column 8 lines 4-8). Weaver teaches that participant users establish communication

with the servers according to SIP and the servers enable establishment of the group conference (Weaver, column 7 lines 47-67).

It would have been obvious for one of ordinary skill in the art to modify Mathis wherein the terminals further comprise a Session Initiation Protocol (SIP) module to facilitate communication with the presence servers and location servers as per the teachings of Weaver so that participant users can establish communication with the servers according to the well known SIP and the servers enable establishment of a group conference between the users.

### *Conclusion*

41. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

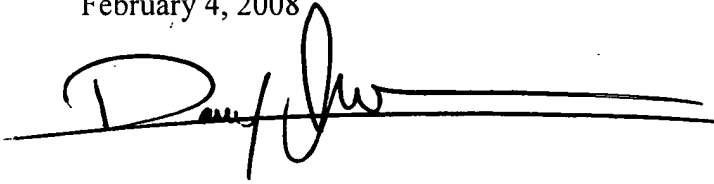
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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RMO  
February 4, 2008

A handwritten signature in black ink, appearing to be "D. J. [unclear]", written over a horizontal line.